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Total Number of Pages in This Submission

Application Number	10/678,987
Filing Date	10/02/03
First Named Inventor	Jeffrey C. Herold
Art Unit	3618
Examiner Name	Phan, Hau Van
Attorney Docket Number	033905-024

ENCLOSURES ***(check all that apply)***

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
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- ☐ Drawing(s)
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- ☐ Petition to Convert to a Provisional Application
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- ☒ Other Enclosure(s) *(please identify below)*:

REQUEST FOR CONTINUED EXAMINATION, COPY OF AMENDMENT FILED 6/14/05, POSTCARD

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	THELEN REID & PRIEST		
Signature			
Printed Name	Adrienne Yeung		
Date	7/12/05	Reg. No.	44,000

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Typed or printed name	Ruth Rodriquez	Date	7/12/05

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OIPE JC105 JUL 15 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Jeffrey C. Herold
SERIAL NO.:	10/678,987
FILING DATE:	10/02/03 CONFIRMATION No.: 1550
TITLE:	FLEXIBLY TRAVEL BAG WITH INTEGRATED SUPPORT TO PROTECT BAG FROM WEAR
EXAMINER:	Phan, Hau Van
TELEPHONE:	703-308-2084
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ART UNIT:	3618

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date printed below:

Date: 6/4/05 Name: Ruth Rodriquez

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

This paper is responsive to the Office Action mailed **April 14, 2005**. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-8 (Cancelled)

9. (Currently Amended) A travel bag for enclosing, protecting and transporting contents placed therein and for collapsing to a storage position when contents are not placed therein, said travel bag comprising:

a flexible enclosure; and

an external rigid support member,

said external rigid support member having a main portion, a bottom portion, and side portions, the bottom portion joining the main and side portions to form a partially enclosed concave part into which a portion of said flexible enclosure is fitted and affixed,

said flexible enclosure being formed of a strong material arranged as an enclosure having a top, sides and bottom portions, said sides being flexible so that when said bag does not contain contents said ~~enclosure~~ top can be collapsed into said concave part in ~~to~~ a storage position.

10. (Previously Presented) A travel bag according to claim 9 wherein when said flexible enclosure is in the storage position said flexible enclosure occupies the concave part of said external rigid support member.

11. (Previously Presented) A travel bag according to claim 9 wherein said external rigid support member extends from the bottom portion of said enclosure along a portion of the back of said enclosure and along a portion of the sides of said enclosure.

12. (Previously Presented) A travel bag according to claim 9 wherein the main portion of said external rigid support member extends from the bottom portion of said enclosure, along a portion of the back of said enclosure and terminates near the middle of said enclosure.

13. (Previously Presented) A travel bag according to claim 9 wherein the main portion of said external rigid support member is located on the back portion of said enclosure and extends between the bottom portion of said enclosure and the middle of said enclosure.

14. (Currently Amended) A travel bag for enclosing, protecting and transporting contents placed therein comprising:

a flexible enclosure; and

an external rigid support member,

said flexible enclosure being formed of a strong material arranged as an enclosure having a top, sides and bottom portions,

said external rigid support member having a main portion, a bottom portion, and side portions, the bottom portion joining the main and side portions to form a partially enclosed cavity into which a portion of said flexible enclosure is fitted and affixed, the main portion extending from the bottom of said enclosure along a portion of the side and terminating near the middle of said enclosure, wherein said top can be collapsed into said partially enclosed cavity.

15. (Previously Presented) A travel bag according to claim 14 wherein said rigid support member is formed in a shape substantially similar to a quadrant of said flexible enclosure.

16. (Currently Amended) A travel bag for enclosing, protecting and transporting contents placed therein comprised of two primary members:

a flexible enclosure; and

an external rigid support member,

said flexible enclosure being formed of a strong material arranged as an enclosure having a top, sides and bottom portions,

said external rigid support member being formed of a single piece rugged material having a main portion, a bottom portion, and side portions, the bottom portion joining the main and side portions to form a partially enclosed cavity into which a portion of said flexible enclosure is fitted and affixed, wherein said top can be collapsed into said partially enclosed cavity.

17. (Previously Presented) A travel bag of claim 16, said flexible enclosure being formed of a material from the group:

canvas, denim, cotton, nylon, acrylics and polyesters; and

said rigid base being formed of a plastic material.

18. (Previously Presented) A travel bag of claim 16 said flexible enclosure being formed of a material from the group:

canvas, denim, cotton, nylon, acrylics and polyesters; and

said rigid base being formed of a metallic material.

19. (Previously Presented) A travel bag of claim 16 said external rigid support member further comprising: wheel wells, said wheel wells being arranged on a curved joint between the main portion and the bottom portion operable to receive therein wheels and wheel mounting hardware.

20. (Previously Presented) A travel bag of claim 16 said external rigid support member further comprising reinforcement ribs, the reinforcement ribs being formed on said rigid member main portion in longitudinal or lateral directions.

21. (Previously Presented) A travel bag of claim 16 said flexible enclosure having two corners and said external rigid support member having two corners, the corners of the flexible enclosure being matingly received and affixed into the corners of the external rigid support member.

22. (Previously Presented) A travel bag of claim 21 said flexible enclosure being affixed to said external rigid support member by rivets.

23. (Previously Presented) A travel bag of claim 22 said external rigid support member having a convex side and a concave side, said flexible enclosure being affixed to the concave side of said external rigid support member, said wheel wells being affixed to the convex side of the external rigid support member at the curved joint.

24. (Currently Amended) A travel bag for enclosing, protecting and transporting contents placed therein, said bag comprising two primary members as follows:

a flexible enclosure; and

an external rigid support member,

said flexible enclosure being formed of a strong material of a top, sides and bottom portions,

said external rigid support member being formed of a single piece rugged material having a main portion, a bottom portion, and side portions, the bottom portion joining the main and side portions to form a partially enclosed cavity into which a portion of said flexible enclosure is fitted and affixed, wherein said top can be collapsed into said partially enclosed cavity.

25. (Previously Presented) A travel bag of claim 24, said external rigid member having a single closed loop periphery.

26. (Previously Presented) A travel bag of claim 24, said flexible enclosure sides being formed of a single piece which is wrapped in a cylindrical body to form a substantially elongated element which may be joined by said top and bottom portions.

27. (Previously Presented) A travel bag of claim 24, said external rigid member extending from a bottom edge to terminate near the middle of the flexible enclosure member.

28. (Previously Presented) A travel bag of claim 24, said external rigid member having a concave side to cooperate in form with the flexible enclosure member.

29. (Previously Presented) A travel bag of claim 24, said external rigid member further having corners integrated with the entire external rigid member as a single piece of formed material whereby the corners cannot be separated from the bag.

30. (Previously Presented) A travel bag of claim 24, said flexible enclosure member is affixed to the external rigid member such that it may be pushed through the closed loop periphery and into the partially enclosed cavity formed by the external rigid member.

REMARKS/ARGUMENTS

The Office Action mailed April 14, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 9, 14, 16, and 24 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 6, [0024]. No new matter has been added.

The First 35 U.S.C. § 102 Rejection

Claims 9-21 and 23-30 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Franklin et al. (USP 5,575,362) for the same reasons as set forth in the Office Action dated October 15, 2004. Claims 9, 14, 16, and 24 are independent claims. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.[1]

Amended Claim 9 provides that "said top can be collapsed into said concave part in a storage position." Claims 14, 16, and 24 provide for a similar limitation.

[1] Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Franklin does not teach or suggest having a top that can be collapsed into the concave part of the external rigid support member. Accordingly, it can not be said to anticipate the claimed invention.

As to dependent claims 10-13, 15, 17-21, 23, and 25-30, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that this rejection be withdrawn.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: June 14, 2005

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